

KEVIN V. RYAN (CASBN 118321)
United States Attorney

EUMI L. CHOI (WVSBN 0722)
Chief, Criminal Division

ROBERT DAVID REES (CASBN 229441)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
FAX: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE FRANCISCO LEYVA, and
JAMES EDWARDS,

Defendants.

No. CR 05 0671 WHA

~~PROPOSED~~ PROTECTIVE ORDER
RE: DISCOVERY OF PERSONAL AND
FINANCIAL INFORMATION

Defendants Jose Francisco Leyva and James Edwards have been charged pursuant to Indictment CR 05 0671 WHA with one count each of access device fraud in violation of 18 U.S.C. § 1029(a)(2) and conspiracy to commit access device fraud in violation of 18 U.S.C. § 1029(b)(2). The United States will produce to counsel for the defendants several hundred discovery documents. Many of the documents contain personal (i.e. name, address, and/or telephone numbers) and financial information (i.e. credit card numbers or account information) of alleged victims of mail, identity, and/or credit card theft. Pursuant to Federal Rule of Criminal Procedure 16, the parties stipulate that the disclosure of these materials will be subject to the following restrictions:

PROTECTIVE ORDER
CR 05 0671 WHA

1. The following individuals may examine the documents for the sole purpose of preparing the defense of defendants Jose Francisco Leyva and James Edwards and for no other purpose:

- (a) Members of the legal organizations or firms employing those attorneys who are formally representing the defendants in this matter;
- (b) Defendants Jose Francisco Leyva and James Edwards, but only in the presence of their attorneys; and * Defendants may not make notes.
- (c) Any expert retained by the defendants to assist in the defense of this matter.

2. A copy of this order shall be maintained with the documents at all times.

3. No other person may be allowed to examine the material without further court order. Examination of the documents containing personal and/or financial information of the alleged victims of mail, identity, and/or credit card theft shall be done in a secure environment which will not expose the materials to other individuals not listed above.

4. If the defendant enters into a plea agreement with the Government or the government prevails on the charge, should this case proceed to trial, the defense counsel within five court days of the judgment and sentencing hearing in this matter, shall return to the Government all material provided to the defense pursuant to this Order, and all other authorized copies, if any, shall also be returned to the Government. The Government shall destroy them. If the defendant believes that he must maintain the material for any reason related to appeal, the defendant must seek authorization from the District Court within five days of the sentencing and

//

//

//

//

//

//

//

1 judgment in this matter.

2
3 IT IS SO STIPULATED.

4
5 DATED: November 16, 2005

/s

DAVID FERMINO, ESQ.
Counsel for JOSE FRANCISCO LEYVA

6
7
8 DATED: November 14, 2005

/s

ERIC BABCOCK, ESQ.
Counsel for JAMES EDWARDS


9
10
11 DATED: November 14, 2005

/s

ROBERT DAVID REES
Assistant United States Attorney

12
13
14 PURSUANT TO STIPULATION, IT IS SO ORDERED that disclosure of the
15 above-described discovery materials shall be restricted as set forth above.

16
17
18 DATED: November 17, 2005



HON. WILLIAM H. ALSUP
United States District Judge